58537-1-U

WEST VIRGINIA SUPREME COURT OF APPEALS

STATISTICAL ACTIVITY

1989

EXECUTIVE SUMMARY

The statistical summary depicted on page 3 lists the various applications filed, granted, refused, and the cases disposed and pending, according to the various case categories.

There were 1,644 applications filed with the court in 1989. Although this number was 393 less than the 1987 record, it still represents the second highest rate of filings recorded by the court. The greatest part of the reduction in applications occurred in the Worker's Compensation area. There were 841 compensation applications filed in 1987 but only 528 in 1989. When compensation applications are removed from consideration, the caseload of the court remained relatively constant during 1987, 1988, and 1989.

Although there were 1,644 applications filed during 1989, the court actually reviewed 1,653 applications, since several were carried over from the previous year. Of the applications reviewed 1,033 were refused and 620 were granted. The number of refusals by the court increased to 62% compared with a 56% refusal rate in 1988 and a 56% refusal rate in 1987.

Despite the increase in total applications, there were fewer cases granted in 1989 than in the previous year. The previous high of 789 applications granted occurred in 1988. The 1989 figure was the third highest at 620 cases accepted for hearing.

During 1987 and 1988 a great increase occurred in the number of cases that were disposed by order or opinion. That higher level of disposal continued into 1989. Prior to 1987 the highest disposal rate was 498 cases; in 1987 it jumped to 775. Disposal at this higher level continued in 1988 with 756 cases disposed, and 1989 with 702 cases disposed, making 1989 the third greatest year for case disposition. Of the 702 cases disposed, 281 were by opinion, 339 by order, 71 were dismissed and 11 were withdrawn.

Most significantly it should be noted that a greater number of cases were completed in 1989 than were filed. With 1,033 cases refused and 702 cases disposed the court actually completed handling of 1,735 cases. During this same period only 1,644 applications were filed. The disposal ratio for the court was 1.055 during 1989, actually indicating that 5 1/2 % more cases were disposed than were filed. Besides the excellent disposal ratio, the court maintained a small pending caseload. There were only 353 granted cases still pending at the end of 1989, down from 431 at the end of 1988.

After five years of increasing applications, the number decreased in 1988.

In 1989 we once again see a small increase. If the unusually high number of workers compensation cases in 1987 are removed from consideration, a slow but steady increase in applications can be observed from 1982 to present. In response to the increased filings the court has maintained a high disposal rate and actually completed 91 more cases than were filed during the year.

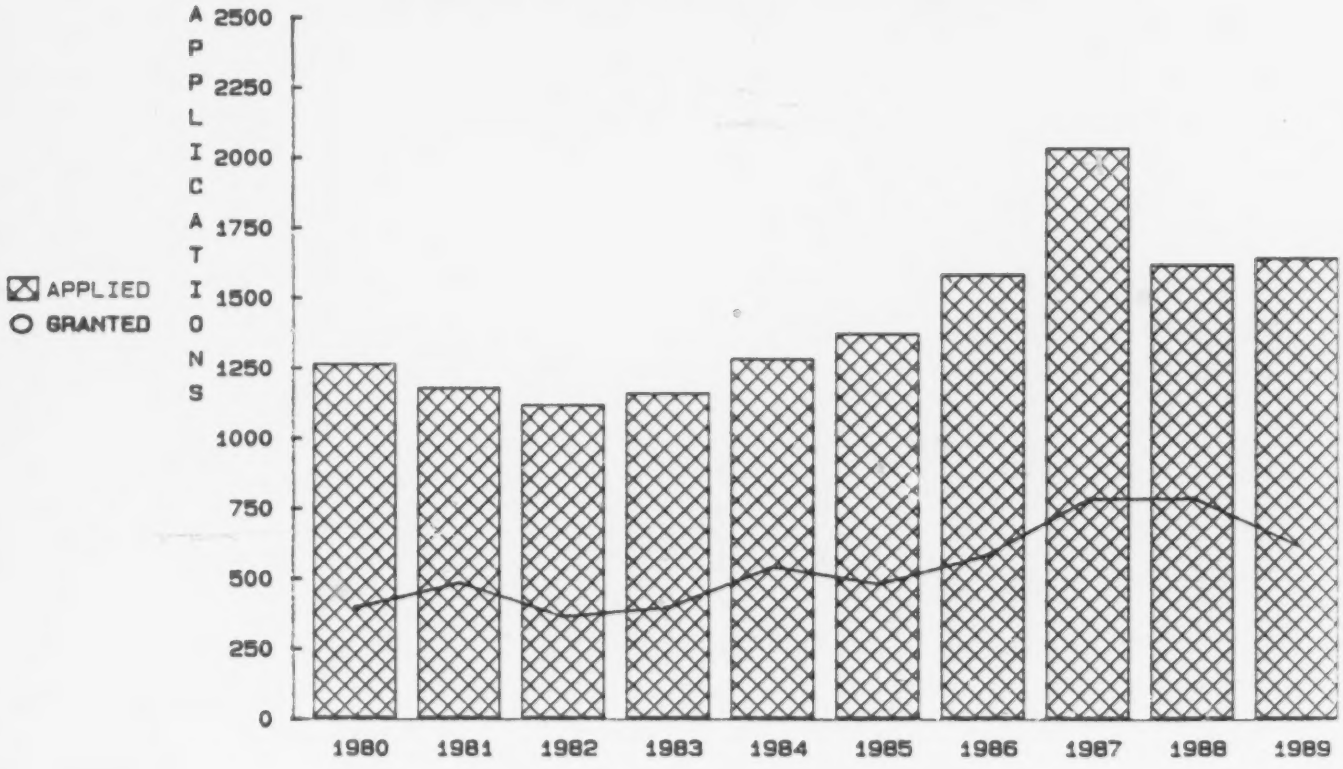
STATE SUPREME COURT OF APPEALS
DOCKETING SYSTEM
STATISTICAL SUMMARY FOR 1989

				DISPOSED				
CASE TYPE	FILED	REFUSED	GRANTED	OPINION	ORDER	DISMISS	WITHDRAW	PENDING
CERTIFIED	28	9	19	14	1	1	1	8
CERTIORARI	7	3	2					2
CIVIL	419	231	169	164	5	19	1	138
COMPENSATION	528	314	214	8	261	3	2	149
CRIMINAL	168	137	41	59	2	2	1	33
ETHICS	12		11	6	7			2
HABEAS CORPUS	186	153	30		21	6	1	4
MANDAMUS	141	81	53	14	20	26	2	9
PETITION	39	29	16	2	14	2	1	
PROHIBITION	116	76	38	14	8	12	2	8
TOTALS	1,644	1,033	620	281	339	71	11	353

TOTAL CASES DISPOSED = 702

From 1983 through 1987 the number of applications to the court continued to grow. That trend was reversed in 1988 but resumed in 1989. From a low of 1,116 in 1982, applications increased to 2,037 in 1987. With compensation applications returning to normal levels in 1989, the total applications received by the court dropped to 1,644. In 1989 there were 620 applications granted for a 38% acceptance rate. This figure was down from the 44% acceptance rate in both 1987 and 1988.

SUPREME COURT APPLICATIONS



SUPREME COURT APPLICATIONS

From 1982 until 1987, applications to the court increased each year. The number of applications decreased to 1,621 in 1988. In 1989 a small increase was once again registered with 1,644 applications. If the unusually large number of workers compensation cases affecting the 1987 and 1988 figures are discounted, a steady increase in all other cases categories can be measured from 1982 to present.

Year	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
Applications	1,262	1,178	1,116	1,159	1,282	1,372	1,585	2,037	1,621	1,644
Granted	397	485	365	399	543	483	580	785	789	620

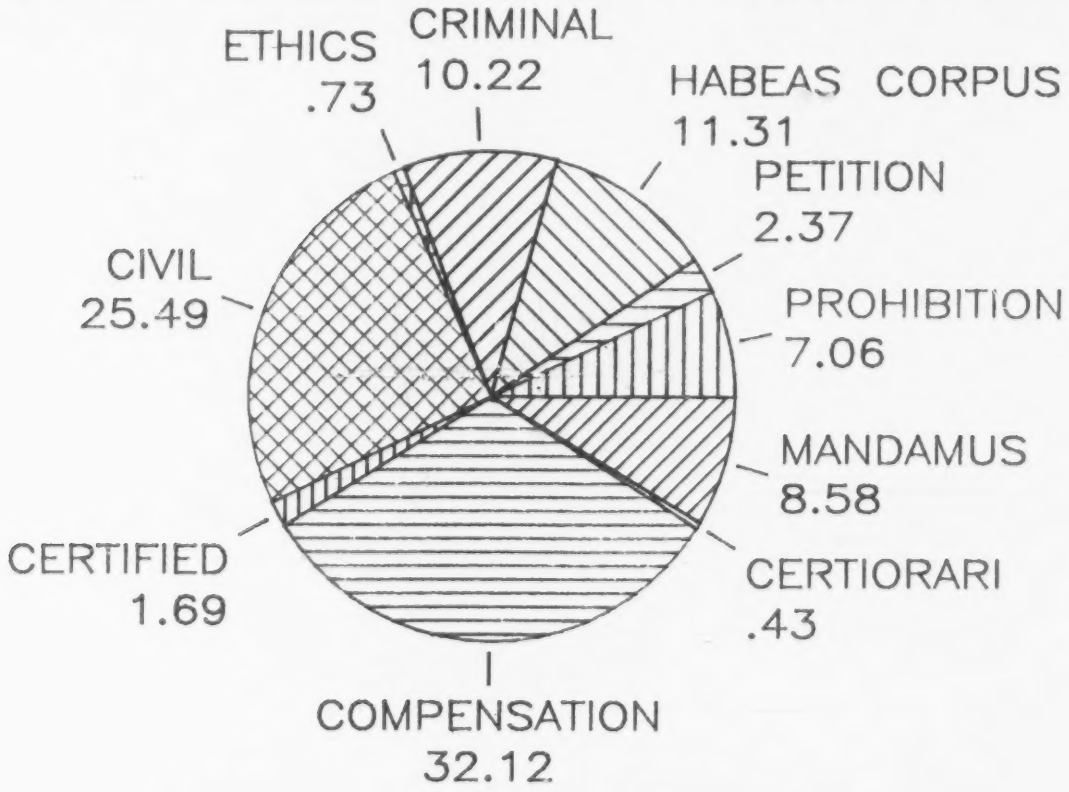
During 1989 the number of applications to the court increased with small general increases occurring in several case categories. Compensation cases increased from 488 in 1988 to 528, Civil cases from 394 to 419 and prohibition went from 96 to 116 cases.

Case categories that show a decrease include criminal cases from 182 to 168, Habeas Corpus from 195 to 186 and mandamus from 183 to 141.

With the applications increasing slightly from the 1988 level there were no great changes in the activity of the various case categories.

APPELLATE CASE DISTRIBUTION

1989 – APPLICATIONS BY PERCENTAGE



APPLICATIONS BY CASE NUMBERS

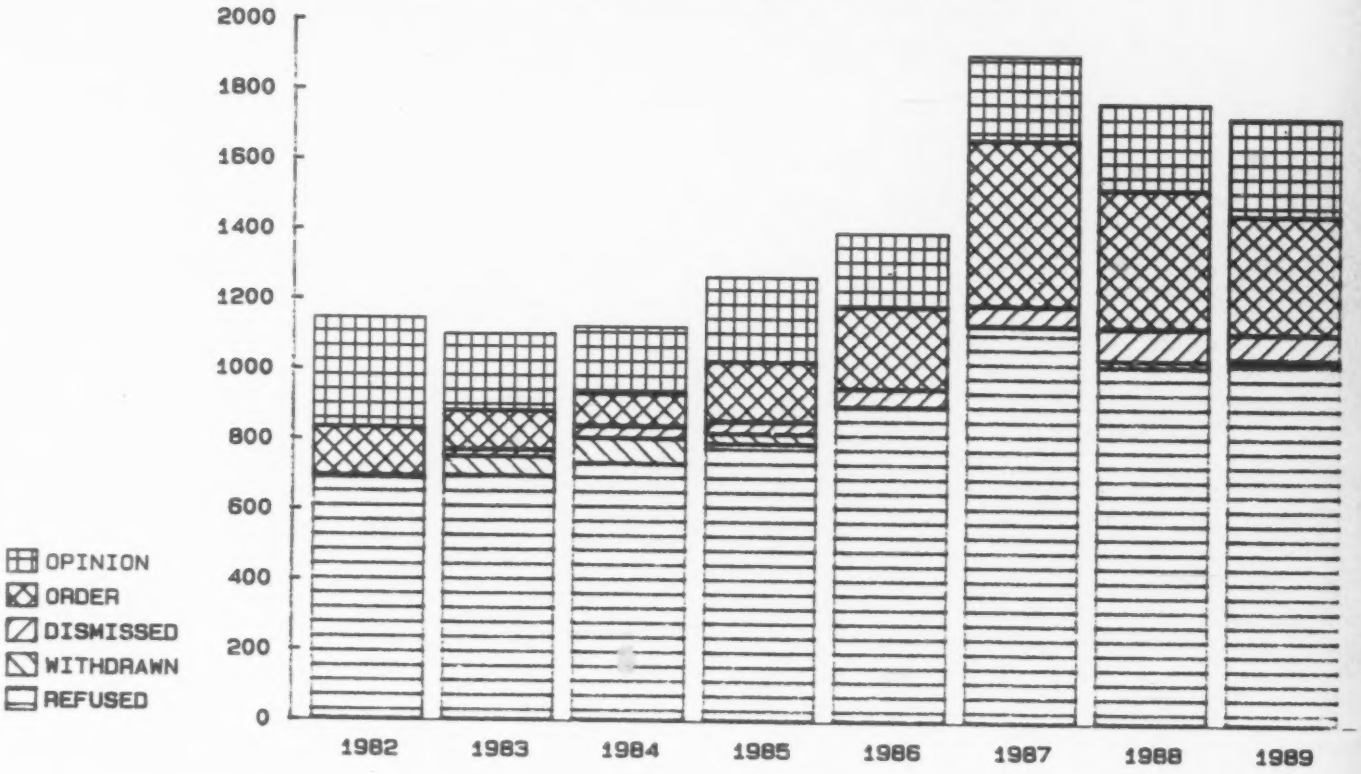
Criminal	168	Prohibition	116	Compensation	528	Ethics	12
Habeas Corpus	186	Mandamus	141	Certified	28		
Petition	39	Certiorari	7	Civil	419		

During 1989 there were 702 fully matured cases disposed by the court. There were 281 cases disposed by opinions. This figure represents the second highest number of cases disposed by opinion in one year and is only exceeded by the 1982 figure of 316 opinions.

The number of cases disposed by order was the third greatest recorded by the court. There were 339 orders entered in 1989. The only years that produced more orders were 1987 and 1988, when the large number of Worker's Compensation orders were entered.

In 1989 there were 71 cases dismissed by the court. This number of dismissals is only exceeded by the 91 dismissed in 1988. During 1989 eleven cases were withdrawn.

APPELLATE CASE DISPOSITION



SUPREME COURT DISPOSITIONS

TYPE OF DISPOSAL	1982	1983	1984	1985	1986	1987	1988	1989
Opinion	316	223	194	244	213	244	249	281
Order	138	112	93	172	234	475	398	339
Dismissed	3	18	34	33	50	56	91	71
Withdrawn	1	56	73	30	1	0	18	11
Refused	688	693	730	789	898	1134	1019	1033
Total	1146	1102	1124	1268	1396	1909	1775	1735

During 1989 case disposal times were very near the disposal times for 1988. In 1988 the average processing time for a case was 473 dates; in 1989 that time was 483 days. During most of the steps in processing a case, the time periods were very close to the 1988 figures. The time from submission of the case until the issue of the order or opinion decreased by 3 days from 103 days to 100 days. This decrease was the most significant factor for the overall figures in 1989.

Since automated time studies were initiated in 1983 there has been great improvement in the processing time for appellate cases. The figures for 1989 remains in the range showing that improvement.

Average Disposition Time

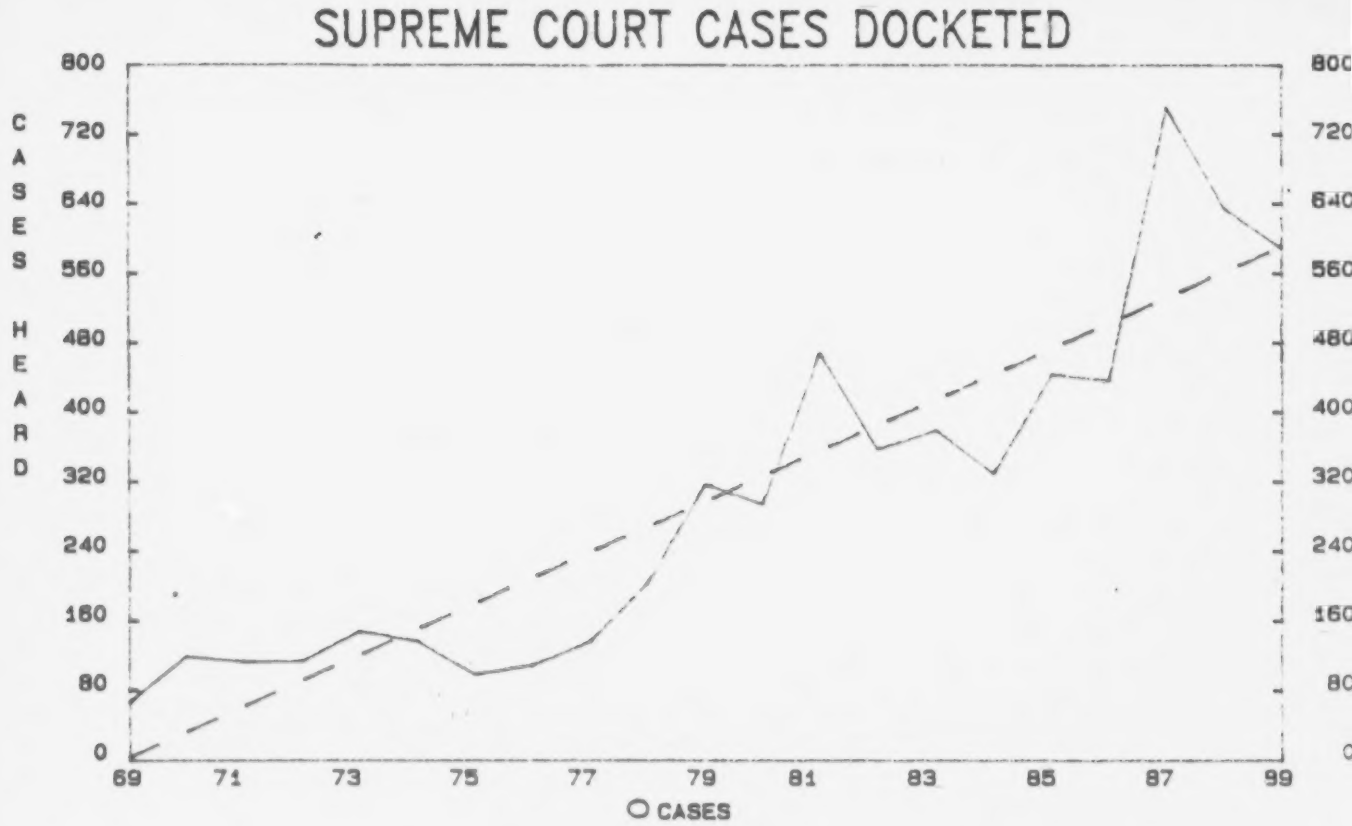
Year	1983	1984	1985	1986	1987	1988	1989
Days	634	593	677	503	462	473	483

STATE SUPREME COURT OF APPEALS

DOCKETING SYSTEM -- TIME STUDY -- 1989

TIME PERIOD AVERAGES

PERIOD	DAYS
Judgment Date to Filing Date	105.48
Filing Date to Date Granted	78.84
Date Granted to From-Circuit Date	38.15
From-Circuit to Record Filed Date	37.41
Record Filed to Matured Date	71.26
Matured Date to Submission Date	52.02
Submission to Opinion or Order Date	100.04
Total Time Elapsed	483.19



SUPREME COURT ACTIVITY

CASES DOCKETED

YEAR	CASES	YEAR	CASES
1969	66	1979	316
1970	118	1980	293
1971	112	1981	467
1972	113	1982	357
1973	147	1983	379
1974	136	1984	329
1975	98	1985	443
1976	108	1986	436
1977	135	1987	750
1978	202	1988	634
		1989	588

1989

MAGISTRATE COURT

CASELOAD STATISTICS

ADMINISTRATIVE OFFICE OF THE COURTS
MARCH 1, 1990

1989 MAGISTRATE COURT CASELOAD

There were a total of 293,229 cases filed in the magistrate courts of West Virginia in 1989. Of these, 84% or 246,819 were criminal actions. More than 50% of these criminal cases were traffic offenses. The pie chart on page 3 shows the breakdown of case filings by case type.

In addition to these cases, the magistrate courts handled a total of 21,030 special proceedings, including 12,826 felonies, 3,854 domestic violence petitions, 3,410 juvenile detention hearings, 848 mental health proceedings, and 92 child neglect or abuse proceedings. Overall there was a 2% increase in the caseload of magistrate courts as compared to 1988. Tables 1 and 2 show the statewide summary statistics for 1989.

The magistrate courts disposed of a total of 275,319 cases in 1989, for an overall clearance rate of 94%. The clearance rate is the percentage of filings that have been terminated and is basically a measure of a court's ability to keep abreast of its caseload. Values below 100% indicate that a court is falling behind and may be experiencing a longer than average time to disposition and building a backlog of pending cases. "Other" misdemeanor cases have the highest clearance rate at 103%, followed by civil cases at 98%, motor vehicle cases at 91%, DNR cases at 90%, and worthless check cases at 87%. Table 3 provides clearance rates by case type for each magistrate court.

There was a 15% increase in the total number of pending cases from the beginning to the end of 1989. Only the number of pending "other" misdemeanor cases declined during the period, while the number of pending motor vehicle, DNR, and worthless check cases increased significantly (see Table 1). Changes in pending caseload must be interpreted with caution, however, since courts may only dismiss inactive civil cases or move stagnant criminal cases to inactive status on an annual or semi-annual basis, thus creating temporary bulges in pending caseload counts. Pending case counts are a "snapshot" and the picture can change dramatically in any given magistrate court from month to month.

Tables 4 through 6 show the number of filings, dispositions, and pending cases per magistrate and the relative rank of each court on these measures. Please note that ranks for pending cases per magistrate are arranged in ascending rather than descending order; that is, the lower the pending caseload, the higher the rank.

The substantial variation in the number of filings, dispositions, and pending cases per magistrate across counties is somewhat the result of the requirement that all counties, despite population size, have at least two magistrates. This skews the relationship among county size, caseload and number of magistrates at the lower end. Still these statistics permit monitoring and more direct comparison of the caseload assigned to magistrates in the different counties regardless of absolute caseload.

MAGISTRATE CASE DISTRIBUTION

CALENDAR YEAR 1989

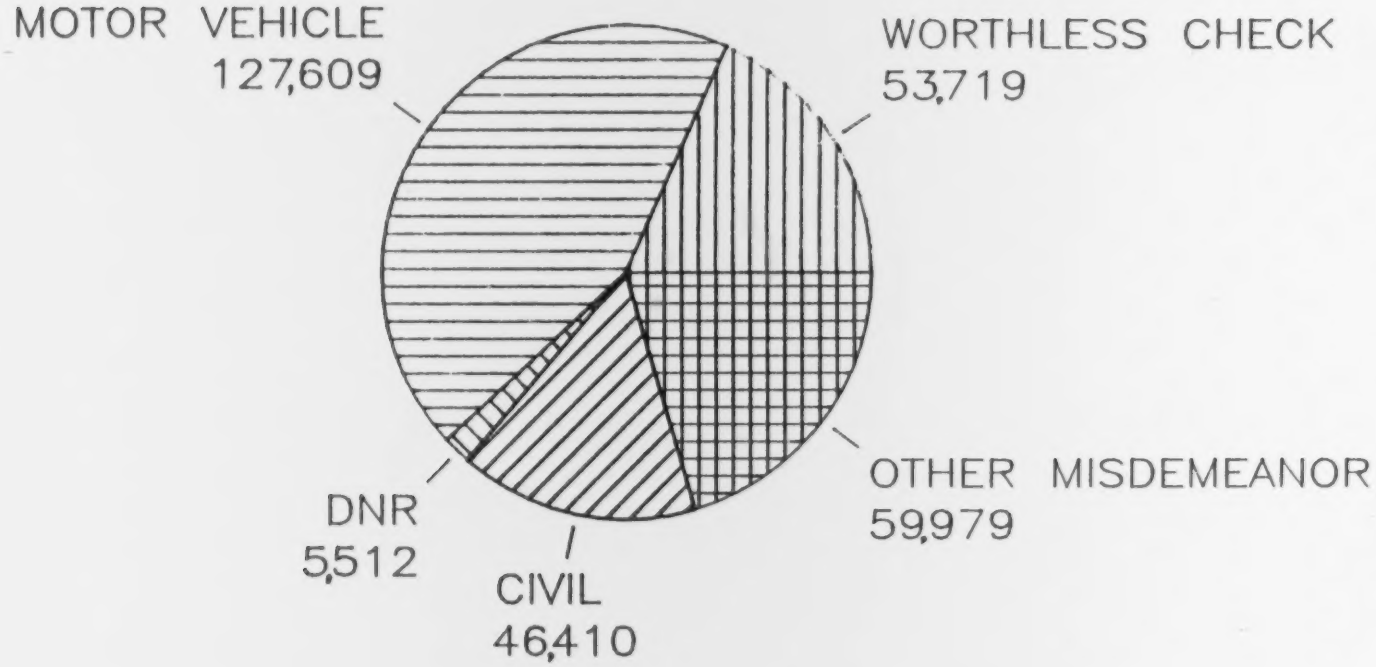


TABLE 1

MAGISTRATE COURT REPORT
STATE TOTAL
JANUARY TO DECEMBER, 1989

DIVISION	CASE TYPE	BEGIN PENDING	CASES FILED	BENCH TRIALS	JURY TRIALS	OTHER DISPO-SITION	END PENDING	% CHANGE IN PENDIN
CRIMINAL	WORTHLESS CHECK	30440	53719	1502	1	45326	37330	23%
	MOTOR VEHICLE	27599	127609	4424	66	111498	39221	42%
	DNR	1103	5512	219	3	4755	1638	49%
	OTHER MISDEMEANOR	35286	59979	13915	281	47663	33406	-5%
TOTAL		94428	246819	20060	351	209242	111595	18%
CIVIL	CIVIL	22234	46410	7660	57	37949	22978	3%
TOTAL		22234	46410	7660	57	37949	22978	3%
TOTAL		116662	293229	27720	408	247191	134573	15%

TABLE 2

MAGISTRATE COURT REPORT
SPECIAL PROCEEDINGS
STATE TOTAL
FOR 1989

MONTH	FELONY	DOMESTIC VIOLENCE	MENTAL HEALTH	CHILD NEGLECT/ ABUSE	JUVENILE	TOTAL
JANUARY	1226	275	88	15	262	1866
FEBRUARY	1039	250	45	14	275	1623
MARCH	1139	336	78	9	240	1802
APRIL	992	297	77	5	242	1613
MAY	1009	370	72	8	323	1782
JUNE	982	343	78	5	343	1751
JULY	1048	350	82	7	269	1756
AUGUST	1352	377	66	7	289	2091
SEPTEMBER	1113	336	72	8	278	1807
OCTOBER	1040	331	62	2	333	1768
NOVEMBER	926	326	74	9	338	1673
DECEMBER	960	263	54	3	218	1498
TOTAL	12826	3854	848	92	3410	21030

TABLE 3

CLEARANCE RATES BY CASE TYPE
1989

COUNTY	WORTHLESS CHECK CLEARANCE RATE	MOTOR VEHICLE CLEARANCE RATE	DNR CLEARANCE RATE	OTHER MISDEMEANOR CLEARANCE RATE	CIVIL CLEARANCE RATE	TOTAL CLEARANCE RATE
BARBOUR	100%	95%	111%	101%	101%	99%
BERKELEY	69%	58%	92%	108%	69%	67%
BOONE	110%	99%	100%	131%	120%	112%
BRAXTON	92%	92%	88%	131%	107%	99%
BROOKE	91%	102%	96%	90%	102%	98%
CABELL	80%	90%	40%	123%	107%	100%
CALHOUN	140%	96%	104%	108%	93%	101%
CLAY	91%	95%	111%	117%	101%	104%
DODDRIDGE	90%	97%	85%	100%	97%	96%
FAYETTE	86%	84%	87%	101%	110%	90%
GILMER	96%	99%	96%	137%	96%	108%
GRANT	95%	101%	96%	93%	99%	97%
GREENBRIER	78%	85%	75%	63%	84%	79%
HAMPSHIRE	100%	85%	86%	106%	114%	97%
HANCOCK	84%	103%	108%	97%	95%	97%
HARDY	97%	100%	90%	142%	106%	104%
HARRISON	82%	86%	45%	124%	110%	95%
JACKSON	98%	101%	95%	94%	103%	99%
JEFFERSON	58%	103%	83%	88%	96%	88%
KANAWHA	82%	79%	54%	89%	97%	85%
LEWIS	84%	87%	103%	159%	108%	96%
LINCOLN	123%	99%	88%	118%	106%	108%
LOGAN	117%	82%	44%	110%	99%	99%
MARION	35%	97%	97%	82%	102%	79%
MARSHALL	88%	115%	112%	99%	119%	105%
MASON	84%	94%	97%	123%	85%	99%
MCDOWELL	78%	97%	100%	97%	91%	94%
MERCER	99%	110%	92%	103%	86%	102%
MINERAL	104%	96%	104%	94%	101%	97%
MINGO	88%	131%	114%	115%	113%	121%
MONONGALIA	101%	98%	82%	104%	100%	100%
MONROE	75%	97%	85%	122%	99%	99%
MORGAN	81%	103%	95%	113%	95%	101%
NICHOLAS	95%	100%	99%	97%	95%	98%
OHIO	76%	76%	54%	104%	90%	83%
PENDLETON	104%	107%	107%	103%	104%	106%
PLEASANTS	128%	103%	98%	97%	118%	104%
POCAHONTAS	84%	94%	94%	103%	132%	101%
PRESTON	98%	90%	95%	108%	89%	96%
PUTNAM	86%	91%	123%	69%	118%	89%
RALEIGH	116%	109%	90%	140%	100%	113%
RANDOLPH	101%	102%	90%	143%	95%	104%
RITCHIE	85%	90%	77%	93%	96%	90%
ROANE	92%	93%	110%	107%	105%	98%
SUMMERS	85%	94%	116%	92%	112%	96%

TABLE 3(cont)
CLEARANCE RATES BY CASE TYPE
1989

COUNTY	WORTHLESS CHECK CLEARANCE RATE	MOTOR VEHICLE CLEARANCE RATE	DNR CLEARANCE RATE	OTHER MISDEMEANOR CLEARANCE RATE	CIVIL CLEARANCE RATE	TOTAL CLEARANCE RATE
TAYLOR	81%	91%	91%	117%	95%	95%
TUCKER	97%	95%	95%	122%	133%	110%
TYLER	123%	100%	103%	97%	95%	100%
UPSHUR	101%	100%	87%	90%	79%	96%
WAYNE	81%	64%	59%	99%	97%	80%
WEBSTER	80%	100%	84%	105%	123%	102%
WETZEL	116%	101%	83%	97%	104%	101%
WIRT	96%	102%	128%	154%	110%	124%
WOOD	102%	89%	92%	93%	108%	95%
WYOMING	87%	99%	97%	94%	104%	96%
TOTAL	87%	91%	90%	103%	98%	94%

TABLE 4

FILINGS PER MAGISTRATE
JANUARY TO DECEMBER, 1989

COUNTY	TOTAL CRIMINAL FILINGS PER MAGISTRATE	RANK	TOTAL CIVIL FILINGS PER MAGISTRATE	RANK	TOTAL FILINGS PER MAGISTRATE	RANK
BARBOUR	885	32	175	36	1060	33
BERKELEY	5310	1	931	1	6241	1
BOONE	776	37	170	37	945	39
BRAXTON	1038	29	84	50	1122	31
BROOKE	809	36	145	43	954	38
CABELL	1574	18	407	8	1981	18
CALHOUN	299	54	101	48	399	53
CLAY	571	44	107	46	677	46
DODDRIDGE	697	41	49	54	746	44
FAYETTE	2272	10	257	18	2529	11
GILMER	550	46	79	51	628	48
GRANT	536	47	187	34	722	45
GREENBRIER	1987	12	446	4	2433	12
HAMPSHIRE	1007	30	254	19	1261	29
HANCOCK	554	45	201	32	755	43
HARDY	712	40	248	20	960	37
HARRISON	2330	9	365	12	2695	8
JACKSON	1567	19	234	25	1801	20
JEFFERSON	1718	16	423	7	2141	14
KANAWHA	2990	3	661	2	3651	2
LEWIS	2677	6	340	14	3017	6
LINCOLN	681	42	160	39	841	41
LOGAN	1712	17	365	11	2077	15
MARION	1486	20	359	13	1845	19
MARSHALL	1156	27	204	31	1360	26
MASON	1066	28	218	28	1284	28
MCDOWELL	956	31	217	29	1173	30
MERCER	2865	5	605	3	3470	4
MINERAL	1479	21	268	17	1747	21
MINGO	1218	24	246	22	1464	23
MONONGALIA	2226	11	442	5	2668	9
MONROE	373	52	152	40	525	50
MORGAN	812	35	184	35	996	34
NICHOLAS	2884	4	369	10	3253	5
OHIO	1825	14	243	24	2067	16
PENDLETON	829	34	147	42	976	35
PLEASANTS	403	50	52	53	454	52
POCAHONTAS	474	49	98	49	572	49
PRESTON	868	33	221	27	1089	32
PUTNAM	2374	8	246	21	2621	10
RALEIGH	3238	2	384	9	3622	3
RANDOLPH	1889	13	338	15	2227	13
RITCHIE	1287	23	115	45	1402	25
ROANE	1159	26	246	23	1404	24
SUMMERS	1181	25	149	41	1330	27

TABLE 4(cont)

FILINGS PER MAGISTRATE
JANUARY TO DECEMBER, 1989

COUNTY	TOTAL CRIMINAL FILINGS PER MAGISTRATE	RANK	TOTAL CIVIL FILINGS PER MAGISTRATE	RANK	TOTAL FILINGS PER MAGISTRATE	RANK
TAYLOR	741	38	225	26	966	36
TUCKER	623	43	143	44	765	42
TYLER	304	53	73	52	377	54
UPSHUR	1746	15	275	16	2021	17
WAYNE	1387	22	196	33	1583	22
WEBSTER	394	51	105	47	499	51
WETZEL	509	48	165	38	674	47
WIRT	170	55	35	55	205	55
WOOD	2537	7	430	6	2967	7
WYOMING	731	39	208	30	940	40

TABLE 5

DISPOSITIONS PER MAGISTRATE
JANUARY TO DECEMBER, 1989

COUNTY	TOTAL CRIMINAL DISPOSITIONS PER MAGISTRATE	RANK	TOTAL CIVIL DISPOSITIONS PER MAGISTRATE	RANK	TOTAL DISPOSITIONS PER MAGISTRATE	RANK
BARBOUR	867	33	177	37	1044	33
BERKELEY	3527	2	645	1	4173	1
BOONE	852	34	204	29	1056	32
BRAXTON	1016	29	90	50	1106	30
BROOKE	784	37	148	44	932	38
CABELL	1535	17	437	6	1972	14
CALHOUN	310	53	93	49	403	53
CLAY	599	45	108	48	707	45
DODDRIDGE	670	42	48	54	717	44
FAYETTE	2005	11	283	18	2288	12
GILMER	604	44	76	51	680	47
GRANT	517	47	184	36	701	46
GREENBRIER	1541	16	373	10	1915	16
HAMPSHIRE	933	30	289	17	1222	29
HANCOCK	540	46	191	32	731	43
HARDY	735	38	262	21	997	37
HARRISON	2149	9	402	8	2551	9
JACKSON	1549	15	242	24	1790	18
JEFFERSON	1470	20	407	7	1877	17
KANAWHA	2472	6	644	2	3116	5
LEWIS	2543	5	367	11	2910	6
LINCOLN	735	38	170	40	904	41
LOGAN	1689	14	361	13	2050	13
MARION	1085	26	366	12	1451	22
MARSHALL	1183	22	244	23	1427	23
MASON	1082	27	185	35	1267	27
MCDOWELL	907	31	197	30	1104	31
MERCER	3028	3	523	3	3551	3
MINERAL	1424	21	271	20	1694	21
MINGO	1488	19	278	19	1766	19
MONONGALIA	2227	8	441	5	2668	8
MONROE	367	52	150	43	517	50
MORGAN	835	36	175	38	1010	36
NICHOLAS	2846	4	349	14	3195	4
OHIO	1499	18	218	25	1717	20
PENDLETON	879	32	153	42	1032	35
PLEASANTS	411	50	61	53	472	52
POCAHONTAS	446	49	129	45	575	49
PRESTON	845	35	197	31	1042	34
PUTNAM	2041	10	290	16	2331	10
RALEIGH	3705	1	383	9	4088	2
RANDOLPH	1997	12	321	15	2318	11
RITCHIE	1154	23	111	47	1264	28
ROANE	1116	24	258	22	1373	24
SUMMERS	1106	25	167	41	1272	26

TABLE 5(cont)

DISPOSITIONS PER MAGISTRATE
JANUARY TO DECEMBER, 1989

COUNTY	TOTAL CRIMINAL DISPOSITIONS PER MAGISTRATE	RANK	TOTAL CIVIL DISPOSITIONS PER MAGISTRATE	RANK	TOTAL DISPOSITIONS PER MAGISTRATE	RANK
TAYLOR	702	40	214	28	916	39
TUCKER	653	43	190	34	843	42
TYLER	308	54	69	52	377	54
UPSHUR	1721	13	218	26	1938	15
WAYNE	1082	27	191	33	1273	25
WEBSTER	380	51	129	45	509	51
WETZEL	508	48	171	39	678	48
WIRT	217	55	39	55	255	55
WOOD	2351	7	465	4	2816	7
WYOMING	689	41	216	27	905	40

TABLE 6

PENDING PER MAGISTRATE
AS OF DECEMBER, 1989

COUNTY	TOTAL CRIMINAL PENDING PER MAGISTRATE	RANK	TOTAL CIVIL PENDING PER MAGISTRATE	RANK	TOTAL PENDING PER MAGISTRATE	RANK
BARBOUR	210	24	64	26	273	23
BERKELEY	2319	53	702	55	3021	53
BOONE	98	8	147	46	244	20
BRAXTON	302	31	53	21	355	29
BROOKE	210	25	34	17	245	21
CABELL	2114	52	254	52	2368	52
CALHOUN	251	27	29	14	279	24
CLAY	145	19	19	8	164	13
DODDRIDGE	102	11	13	7	115	7
FAYETTE	1345	50	78	29	1423	50
GILMER	62	5	13	6	75	5
GRANT	111	14	36	19	147	11
GREENBRIER	614	43	118	38	732	44
HAMPSHIRE	340	33	90	34	430	33
HANCOCK	117	16	201	50	317	26
HARDY	109	13	55	23	164	13
HARRISON	1013	49	204	51	1216	49
JACKSON	500	41	46	20	545	40
JEFFERSON	860	47	84	30	944	48
KANAWHA	2375	54	648	54	3023	54
LEWIS	554	42	87	32	641	42
LINCOLN	101	10	122	41	223	17
LOGAN	427	38	72	28	498	36
MARION	3104	55	382	53	3486	55
MARSHALL	437	39	100	36	537	39
MASON	278	30	102	37	379	30
MCDOWELL	199	22	122	41	321	28
MERCER	325	32	161	48	486	35
MINERAL	354	34	68	27	422	31
MINGO	400	36	120	40	520	37
MONONGALIA	647	45	175	49	821	46
MONROE	83	6	19	8	102	6
MORGAN	119	18	57	25	176	16
NICHOLAS	396	35	136	44	532	38
OHIO	642	44	85	31	727	43
PENDLETON	61	4	12	5	72	4
PLEASANTS	38	1	8	3	46	1
POCAHONTAS	105	12	21	10	126	9
PRESTON	117	16	53	22	170	15
PUTNAM	885	48	7	1	892	47
RALEIGH	692	46	119	39	811	45
RANDOLPH	457	40	128	43	584	41
RITCHIE	197	21	33	15	230	18
ROANE	91	7	27	12	118	8
SUMMERS	255	28	33	15	288	25

TABLE 6(cont)

PENDING PER MAGISTRATE
AS OF DECEMBER, 1989

COUNTY	TOTAL CRIMINAL PENDING PER MAGISTRATE	RANK	TOTAL CIVIL PENDING PER MAGISTRATE	RANK	TOTAL PENDING PER MAGISTRATE	RANK
TAYLOR	208	23	57	24	264	22
TUCKER	145	19	88	33	233	19
TYLER	53	3	11	4	64	3
UPSHUR	270	29	157	47	427	32
WAYNE	416	37	24	11	440	34
WEBSTER	114	15	35	18	148	12
WETZEL	100	9	28	13	128	10
WIRT	40	2	8	2	48	2
WOOD	1629	51	144	45	1774	51
WYOMING	224	26	95	35	320	27

1989

CIRCUIT COURT

CASELOAD STATISTICS

ADMINISTRATIVE OFFICE OF THE COURTS
APRIL 2, 1990

1989 CIRCUIT COURT CASELOAD

There were a total of 57,792 cases filed in the circuit courts of West Virginia in 1989. Of these, 78% or 44,923 were civil actions. The remaining 22% are approximately evenly divided between criminal and juvenile delinquency cases. The pie chart on page 4 shows the breakdown of case filings by general case type.

The total number of case filings increased by 6% as compared to 1988 and is at its highest level since 1985. This overall growth is almost entirely attributable to the increase in civil case filings, up 10% over 1988 figures. Total criminal filings increased minimally as the result of an increase in appeals from magistrate court; felonies and misdemeanors are actually at their lowest levels in at least 5 years. Juvenile delinquency filings were down 10% from the unusually high number of cases reported in 1988. Table 1 shows the statewide summary statistics for 1989.

The circuit courts disposed of a total of 55,321 cases in 1989, for an overall clearance rate of 96%. The clearance rate is the percentage of filings that have been terminated and is basically a measure of a court's ability to keep abreast of its caseload. Values below 100% indicate that a court is falling behind and may be experiencing a longer than average time to disposition and building a backlog of pending cases. Juvenile delinquency cases have the highest clearance rate at 116%, followed by criminal cases at 100%, and civil cases at 92%. Table 2 provides clearance rates by case type for each circuit.[1]

There was a 4% overall increase in the number of pending cases from the beginning to the end of 1989; however, this summary statistic masks some significant differences among the various case types (see Table 1). For instance, there was a dramatic, 23% decline in the number of pending juvenile delinquency cases. This combined with the high clearance rate in juvenile indicates that courts have been working on the reservoir of pending cases and disposing of those that are inactive or otherwise able to be terminated.

On the other hand, the number of civil pending cases increased by 7% during the period. Even though several

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[1]The statistics for the 1st Judicial Circuit in 1989 reflect the impact of the unprecedented influx of FELA case filings in Brooke County during the year. This dramatic 1,300 case increase skews the normal civil clearance rate as well as the filings per judge and pending per judge statistics for the year.

categories of pending civil cases declined significantly; for instance, mental health and administrative agency appeals, the larger categories of general civil and domestic relations cases increased by 3% and 17% respectively. This was accompanied by numerically smaller but proportionately larger increases in the number of pending civil magistrate appeals and "other" civil cases.

The number of pending criminal cases remained stable during the period. A moderate decrease in the number of pending felony cases was balanced by an increase in the number of pending misdemeanors, magistrate appeals, and "other" criminal actions.

Changes in pending caseload from one time period to another must be interpreted with some caution, however, since courts generally dismiss inactive civil cases or otherwise remove stale cases from their dockets on a two-year or other periodic rather than continuous basis. This can create both temporary bulges as well as dramatic declines in pending case counts. Pending case counts are a "snapshot" and the picture can change dramatically from one period to another. Still courts should be alert to slowly increasing numbers of pending cases over time as this may indicate insufficient "clearance" of incoming cases. In addition, stable, but inordinately high, numbers of pending cases may indicate a build-up of dormant cases or other actions that could or should be removed from the docket.

Evidence that pending cases may be pooling in some courts is provided by Table 3, which shows the age of the pending caseload statewide. As part of the 1989 revision to the Circuit Court Reporting System, courts are now required to submit data on the number of pending cases that exceed specific time standards established for each case type. At the end of 1989, 59% of the total pending caseload was over its respective time standards. With the exception of mental health cases, compliance is uniformly low across all categories of cases. In some instances, over 75% of the cases exceed the standard.

This is not to say that compliance is uniformly low across circuits; in fact, several circuits show excellent patterns of timely case processing. However, generally less than a quarter of the circuits show compliance rates of 75% or more in any given case category.

While the Disposed Case Age statistics are somewhat more favorable; i.e., only 41% of the total dispositions exceed their respective time standards, it is clear that success at meeting the time frames is limited. Whether this is a function of the appropriateness of the particular standards, a lack of case management or faulty record-keeping or reporting procedures is a topic of continuing study by the Administrative Office.

It is apparent, however, that several case categories are particularly troublesome. For instance, the percentage of civil and criminal appeals from magistrate court that exceed the time standards is surprisingly high for pending cases and dispositions. In general, the performance on criminal matters, where less than 50% of the cases meet the standards, is surprising given the relatively low volume of criminal filings in the state and the generally good clearance rate. The courts fare no better on general civil cases where, again, less than half the pending cases are below the 18 month time standard.

Another pattern is also clear. Performance on the case processing time standards is not necessarily related to the volume or activity level of the court. Some courts that rank high in the number of case filings per judge have as high a compliance rate as those with considerably less activity. On the other hand, lower levels of case filings per judge do not guarantee more timely case processing. Tables 4 through 6 show the number of filings, dispositions, and pending cases per judge and the relative rank of each circuit on these measures.

CIRCUIT CASE DISTRIBUTION

CALENDAR YEAR 1989

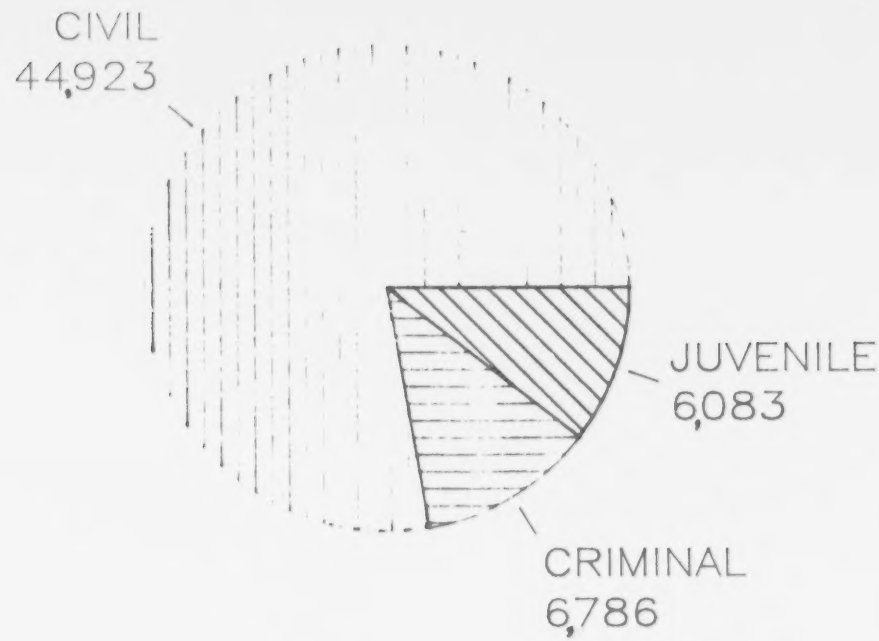

TABLE 1

CIRCUIT COURT REPORT
STATE TOTAL
JANUARY TO DECEMBER, 1989

IVISION	CASE TYPE	BEGIN PENDING	CASES FILED	BENCH TRIALS	JURY TRIALS	OTHER DISPO-SITIONS	END PENDING	% CHANGE IN PENDING
IVIL	GENERAL CIVIL	31522	18732	358	489	16933	32474	3%
	ADOPTIONS	341	942	0	0	942	341	0
	CHILD/ABUSE NEGLECT	804	574	0	0	582	796	-1%
	OTHER DOMESTIC RELATIONS	11741	14826	40	0	12742	13785	17%
	MENTAL HEALTH	693	5242	0	0	5525	410	-41%
	ADMIN. AGENCY APPEALS	621	478	0	0	591	508	-18%
	MAGISTRATE APPEALS	647	748	75	29	492	799	23%
	OTHER-CIVIL	2285	3381	100	5	2623	2938	29%
TOTAL		48654	44923	573	523	40430	52051	7%
RIMINAL	FELONY	3382	4121	157	283	3773	3290	-3%
	MISDEMEANOR	984	748	32	16	678	1006	2%
	MAGISTRATE APPEALS	1248	1581	70	113	1367	1279	2%
	OTHER-CRIMINAL	274	336	1	2	267	340	24%
TOTAL		5888	6786	260	414	6085	5915	0%
UVENILE	DELINQUENCY	4154	6083	551	11	6474	3201	-23%
TOTAL		4154	6083	551	11	6474	3201	-23%
OTAL		58696	57792	1384	948	52989	61167	4%

TABLE 2

CLEARANCE RATES BY CASE TYPE
1989

IRCUIT	CIVIL CLEARANCE RATE	CRIMINAL CLEARANCE RATE	JUVENILE CLEARANCE RATE	TOTAL CLEARANCE RATE
IRCUIT 1	80%	78%	126%	83%
IRCUIT 2	84%	104%	124%	91%
IRCUIT 3	102%	95%	161%	103%
IRCUIT 4	107%	95%	141%	108%
IRCUIT 5	99%	96%	114%	100%
IRCUIT 6	102%	97%	109%	102%
IRCUIT 7	100%	92%	104%	100%
IRCUIT 8	102%	96%	179%	109%
IRCUIT 9	94%	101%	118%	97%
IRCUIT 10	94%	113%	247%	101%
IRCUIT 11	96%	90%	109%	97%
IRCUIT 12	79%	136%	93%	88%
IRCUIT 13	82%	78%	144%	87%
IRCUIT 14	95%	85%	48%	89%
IRCUIT 15	88%	222%	183%	116%
IRCUIT 16	92%	58%	159%	93%
IRCUIT 17	87%	103%	100%	88%
IRCUIT 18	105%	92%	50%	100%
IRCUIT 19	102%	91%	146%	105%
IRCUIT 20	124%	74%	129%	113%
IRCUIT 21	93%	122%	70%	94%
IRCUIT 22	91%	91%	92%	91%
IRCUIT 23	94%	109%	56%	92%

TABLE 2

CLEARANCE RATES BY CASE TYPE
1989

IRCUIT	CIVIL CLEARANCE RATE	CRIMINAL CLEARANCE RATE	JUVENILE CLEARANCE RATE	TOTAL CLEARANCE RATE
IRCUIT 24	95%	111%	97%	97%
IRCUIT 25	106%	88%	79%	100%
IRCUIT 26	91%	110%	83%	92%
IRCUIT 27	90%	114%	169%	104%
IRCUIT 28	63%	70%	79%	66%
IRCUIT 29	106%	134%	94%	108%
IRCUIT 30	96%	229%	100%	103%
IRCUIT 31	97%	111%	99%	98%
OTAL	92%	100%	116%	96%

TABLE 3

PENDING CASE AGE REPORT
STATE TOTAL
AS OF DECEMBER 31, 1989

DIVISION	CASE TYPE	TOTAL PENDING	TIME STANDARD	NUMBER UNDER STANDARD	NUMBER OVER STANDARD	PERCENT OVER STANDARD
CIVIL	GENERAL CIVIL	32474	18 MONTHS	14794	17680	54%
	ADOPTIONS	341	6 MONTHS	198	143	42%
	CHILD NEGLECT/ABUSE	796	3 MONTHS	155	641	81%
	OTHER DOMESTIC RELATIONS	13785	6 MONTHS	5067	8718	63%
	MENTAL HEALTH	410	6 MONTHS	327	83	20%
	ADMIN. AGENCY APPEALS	508	6 MONTHS	152	356	70%
	MAGISTRATE APPEALS	799	6 MONTHS	302	497	62%
	OTHER-CIVIL	2938	6 MONTHS	742	2196	75%
TOTAL		52051		21737	30314	58%
CRIMINAL	FELONY	3290	6 MONTHS	1638	1652	50%
	MISDEMEANOR	1006	3 MONTHS	236	770	77%
	MAGISTRATE APPEALS	1279	3 MONTHS	438	841	66%
	OTHER-CRIMINAL	340	3 MONTHS	83	257	76%
TOTAL		5915		2395	3520	60%
JUVENILE	DELINQUENCY	3201	45 DAYS	914	2287	71%
TOTAL		3201		914	2287	71%
TOTAL		61167		25046	36121	59%

TABLE 4

FILINGS PER JUDGE
JANUARY TO DECEMBER, 1989

CIRCUIT	CIVIL FILINGS PER JUDGE	RANK	CRIMINAL FILINGS PER JUDGE	RANK	JUVENILE FILINGS PER JUDGE	RANK	TOTAL FILINGS PER JUDGE	RANK
CIRCUIT 1	944	7	126	12	78	20	1148	7
CIRCUIT 2	590	22	95	23	85	18	769	23
CIRCUIT 3	575	23	116	16	28	29	719	27
CIRCUIT 4	693	17	56	30	63	24	812	20
CIRCUIT 5	794	11	163	2	73	22	1030	11
CIRCUIT 6	848	10	114	17	168	4	1130	9
CIRCUIT 7	624	20	106	19	197	3	926	15
CIRCUIT 8	496	30	215	1	95	15	806	21
CIRCUIT 9	1040	2	141	8	109	10	1290	3
CIRCUIT 10	596	21	129	11	21	30	746	25
CIRCUIT 11	861	9	156	3	131	8	1148	8
CIRCUIT 12	568	24	73	27	310	1	951	14
CIRCUIT 13	993	3	101	20	98	13	1192	4
CIRCUIT 14	502	29	117	15	64	23	683	29
CIRCUIT 15	644	18	110	18	92	16	845	19
CIRCUIT 16	508	28	156	3	87	17	751	24
CIRCUIT 17	721	15	73	27	7	31	801	22
CIRCUIT 18	513	27	72	29	36	27	621	31
CIRCUIT 19	523	26	118	14	79	19	720	26
CIRCUIT 20	531	25	151	5	34	28	716	28
CIRCUIT 21	452	31	85	26	97	14	633	30
CIRCUIT 22	723	14	145	7	49	26	917	16
CIRCUIT 23	967	4	87	24	106	12	1160	6

TABLE 4

FILINGS PER JUDGE
JANUARY TO DECEMBER, 1989

CIRCUIT	CIVIL FILINGS PER JUDGE	RANK	CRIMINAL FILINGS PER JUDGE	RANK	JUVENILE FILINGS PER JUDGE	RANK	TOTAL FILINGS PER JUDGE	RANK
CIRCUIT 24	967	4	123	13	227	2	1317	2
CIRCUIT 25	633	19	96	22	143	5	871	17
CIRCUIT 26	959	6	134	10	75	21	1168	5
CIRCUIT 27	736	13	149	6	142	6	1027	12
CIRCUIT 28	747	12	86	25	127	9	960	13
CIRCUIT 29	696	16	100	21	54	25	850	18
CIRCUIT 30	925	8	48	31	108	11	1081	10
CIRCUIT 31	1307	1	136	9	136	7	1579	1

TABLE 5

DISPOSED PER JUDGE
JANUARY TO DECEMBER 31, 1989

CIRCUIT	CIVIL DISPOSED PER JUDGE	RANK	CRIMINAL DISPOSED PER JUDGE	RANK	JUVENILE DISPOSED PER JUDGE	RANK	TOTAL DISPOSED PER JUDGE	RANK
CIRCUIT 1	760	11	99	22	99	18	957	13
CIRCUIT 2	496	26	99	20	105	16	700	26
CIRCUIT 3	588	20	110	15	45	26	743	24
CIRCUIT 4	738	12	53	31	89	19	880	17
CIRCUIT 5	786	10	157	4	83	20	1026	11
CIRCUIT 6	862	7	111	14	183	5	1155	4
CIRCUIT 7	627	18	97	23	206	4	929	14
CIRCUIT 8	506	25	206	2	171	6	882	16
CIRCUIT 9	983	2	143	8	129	12	1254	3
CIRCUIT 10	559	22	145	7	53	24	757	22
CIRCUIT 11	829	8	140	9	143	8	1111	5
CIRCUIT 12	449	30	99	20	287	1	835	19
CIRCUIT 13	815	9	79	27	141	9	1035	10
CIRCUIT 14	479	27	100	19	31	29	610	30
CIRCUIT 15	568	21	243	1	167	7	978	12
CIRCUIT 16	467	29	91	25	139	10	696	27
CIRCUIT 17	624	19	76	28	7	31	706	25
CIRCUIT 18	538	23	66	29	18	30	622	29
CIRCUIT 19	533	24	107	17	115	13	755	23
CIRCUIT 20	657	16	111	13	44	28	812	21
CIRCUIT 21	422	31	104	18	68	21	593	31
CIRCUIT 22	657	16	132	12	45	26	834	20
CIRCUIT 23	908	4	95	24	59	23	1062	9

TABLE 5

DISPOSED PER JUDGE
JANUARY TO DECEMBER 31, 1989

IRCUIT	CIVIL DISPOSED PER JUDGE	RANK	CRIMINAL DISPOSED PER JUDGE	RANK	JUVENILE DISPOSED PER JUDGE	RANK	TOTAL DISPOSED PER JUDGE	RANK
IRCUIT 24	915	3	137	10	221	3	1273	2
IRCUIT 25	671	14	84	26	112	14	867	18
IRCUIT 26	871	6	147	6	62	22	1080	7
IRCUIT 27	659	15	170	3	240	2	1069	8
IRCUIT 28	470	28	60	30	100	17	630	28
IRCUIT 29	735	13	133	11	51	25	919	15
IRCUIT 30	892	5	110	15	108	15	1110	6
IRCUIT 31	1264	1	151	5	134	11	1549	1

TABLE 6

PENDING PER JUDGE
AS OF DECEMBER 31, 1989

CIRCUIT	CIVIL PENDING PER JUDGE	RANK	CRIMINAL PENDING PER JUDGE	RANK	JUVENILE PENDING PER JUDGE	RANK	TOTAL PENDING PER JUDGE	RANK
CIRCUIT 1	983	8	67	21	19	25	1069	9
CIRCUIT 2	935	11	53	26	50	16	1037	13
CIRCUIT 3	782	15	77	15	43	20	902	15
CIRCUIT 4	807	14	28	30	45	18	880	16
CIRCUIT 5	897	13	104	12	41	21	1042	12
CIRCUIT 6	634	18	60	23	40	22	734	21
CIRCUIT 7	328	30	34	29	12	27	374	31
CIRCUIT 8	589	21	135	10	65	13	789	18
CIRCUIT 9	919	12	54	24	72	9	1044	11
CIRCUIT 10	598	20	138	7	30	23	767	19
CIRCUIT 11	1032	5	162	5	73	8	1267	6
CIRCUIT 12	488	25	73	16	84	7	644	23
CIRCUIT 13	1777	2	142	6	18	26	1937	2
CIRCUIT 14	658	16	136	9	163	1	957	14
CIRCUIT 15	1473	3	177	4	67	12	1716	3
CIRCUIT 16	407	28	138	8	3	31	547	27
CIRCUIT 17	960	9	95	13	9	29	1063	10
CIRCUIT 18	442	26	47	28	45	19	534	28
CIRCUIT 19	411	27	83	14	64	14	558	26
CIRCUIT 20	347	29	68	19	6	30	421	30
CIRCUIT 21	299	31	72	17	111	5	481	29
CIRCUIT 22	493	24	69	18	60	15	622	25
CIRCUIT 23	1035	4	50	27	96	6	1181	8

TABLE 6

PENDING PER JUDGE
AS OF DECEMBER 31, 1989

IRCUIT	CIVIL PENDING PER JUDGE	RANK	CRIMINAL PENDING PER JUDGE	RANK	JUVENILE PENDING PER JUDGE	RANK	TOTAL PENDING PER JUDGE	RANK
IRCUIT 24	640	17	68	19	28	24	736	20
IRCUIT 25	588	22	66	22	161	2	814	17
IRCUIT 26	984	7	185	3	71	10	1240	7
IRCUIT 27	997	6	308	1	67	11	1372	4
IRCUIT 28	1896	1	116	11	111	4	2123	1
IRCUIT 29	561	23	53	25	46	17	660	22
IRCUIT 30	599	19	15	31	12	27	626	24
IRCUIT 31	938	10	234	2	145	3	1317	5